In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.25585-M of 2007

.....

Date of decision:7.5.2007

Sunny

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: None for the petitioner.

Mr. I.P.S. Sidhu, Senior Deputy Advocate General, Punjab
for the respondent-State.

.....

S.S. Saron, J. (Oral)

As per allegations in the FIR, it has been alleged by Gurjant Singh (complainant) that the petitioner sold 205 bags and 20 Kgs. of wheat to M/s Sri Guru Nanak Commission Agent, Mallanwala. The firm did not make payment of the wheat to the complainant nor was the market fee deposited. The petitioner and Prem Kumar (non-petitioner) are partners of the said firm. A reading of the order passed by the learned Sessions Judge shows that the licence of the firm was in the name of the petitioner only. Accordingly, Prem Kumar (non-petitioner) was granted pre-arrest bail. However, pre-arrest bail to the petitioner was declined.

It is submitted by the petitioner that the liability, if any, is that of a civil nature and no criminal offence is made out.

The learned counsel for the State has submitted that the custody of the petitioner would be required to ascertain the amount that has

been misappropriated by the petitioner which comes to Rs.65,175/-. Besides, it is submitted that the matter also requires to be investigated as regards the payment of the market fee.

Keeping in view the afore-noticed circumstances, I am of the view that the custody of the petitioner would be required for the purposes of investigation.

For the foregoing reasons, no ground for pre-arrest bail is made out. Dismissed.

May 7, 2007. **(S.S. Saron)**
Judge

hsp